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AUG 26 2004

Docket No.: 041-1790-30

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takayuki SUGAHARA

Serial No. 09/992,023

: Group Art Unit: 2613

Filed: 11/26/2001

: Examiner: LEE, Y YOUNG

For: **Method For Protection Of Data Decoding According To Medium Protection Data And First And Second Apparatus Protection Data To Determine A Range Of Protection For Main Data And Whether Said Main Data Are Decoded In Their Entirety, Partially, Or Not At All,**
as amended

PETITION UNDER 37 CFR 1.181(A)(3)
TO INVOKE THE SUPERVISORY AUTHORITY OF THE DIRECTOR,
WITHDRAW ERRONEOUSLY FILED PAPERS and REFUND ASSOCIATED FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 CFR 1.181, the Director is requested to withdraw from the record of the above identified application several papers erroneously filed therein on August 20, 2004, to withdraw any amendment erroneously entered in accordance with those papers, and to refund any fees charged therefor.

STATEMENT OF THE FACTS INVOLVED

A non-final Official Action had been mailed in the present application on April 2, 2004. Upon payment of a fee for a one month extension of time, a reply was timely filed on July 19, 2004, including an amendment of the title and claims, as well as a Terminal Disclaimer.

On August 20, 2004, undersigned attorney for applicant filed a response to an Official Action mailed May 20, 2004 in applicant's related and copending application Serial Number

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09/992,026. Similarly to the reply of July 19 in the present application, the Response of August 20 in the copending application included an amendment of the title and claims, as well as a Terminal Disclaimer and Form 2038 authorizing payment of a fee for filing the Disclaimer.

The Response of August 20, 2004, was intended for filing in application Serial No. 09/992,026, and correctly identified the date of the Official Action, as well as the Title and claims being amended. However, the Response of August 20 inadvertently and erroneously identified the present application, Serial No. 09/992,023, as the application to be amended.

Upon consideration of the amendment to the Title and Claims provided in the Response of August 20, 2004, as inadvertently filed in the present application, it is clear that the Title and Claims being amended are *not* the title and claims pending in the present application and, accordingly, that the amendment should not be entered.

Similarly, upon consideration of the Terminal Disclaimer erroneously filed in the present application on August 20, 2004, it is clear that the Title of the application identified in the Disclaimer is not the Title of the present application. Moreover, it is also clear that the patents and applications identified in the Disclaimer of August 20 are identical to those identified in the earlier Disclaimer properly filed July 19, 2004 in the present application. Accordingly, there is neither need nor basis for entry of the Terminal Disclaimer filed August 20, 2004.

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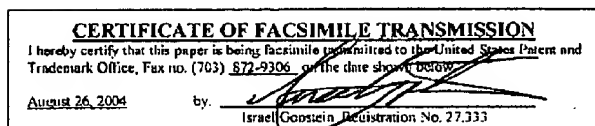
RELIEF REQUESTED

In view of the foregoing, the Director is accordingly requested not to enter the amendment erroneously filed on August 20, 2004, and if previously entered to withdraw the same.


Similarly, it is submitted that the Terminal Disclaimer filed August 20, 2004 should not be entered in the present application.

Moreover, since the Terminal Disclaimer of August 20, 2004 should not be entered, and particularly since the fee has already been paid on July 19, 2004 for disclaiming the term of a patent on the present application which extends beyond the terms of each of the patents and applications identified in said Disclaimer filed August 20, it is requested that the account identified in said Form 2038 dated August 20, 2004 should not be charged the amount of said Disclaimer Fee. In the event that the account identified in said Form 2038 filed August 20, 2004 has already been charged the Disclaimer Fee, it is accordingly requested that said account be reimbursed the amount charged thereto.

It is respectfully submitted that, upon consideration of the foregoing remarks and the record of the present application, it will be appreciated that granting of the present requests is in order and the same is courteously solicited.



Respectfully submitted,
CLARK & BRODY


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Date: August 26, 2004

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